# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/950,097 | 09/10/2001 | Donald Stylinski | H0001343 | 2242 |

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| EXAMINER |
|---|
| SAADAT, CAMERON |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3713 | |

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

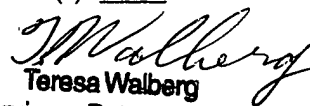    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-4, 6-11,13-16, and 18-22* .

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10. ☒ Other: *See Continuation Sheet*

Teresa Walberg
Supervisory Patent Examiner
Group 3700

Continuation of 10. Other: Applicant's arguments filed 12/01/03 have been fully considered but they are not persuasive.

Applicant asserts that Huffman discloses a conventional-type aircraft simulation platform that does not interact with a digital network in any way; and Huffman would have no use for a gateway, since it is in no way concerned with granting or limiting access to a host computer. Applicant further alleges that the examiner merely stated that Huffman discloses the features disclosed above without any citation or elaboration. It is noted that the examiner cited the following (Col. 4, lines 49-55), which discloses the following:

"The DIS (distributed interactive simulation) interface 16c permits each console 11 to communicate with an external flight simulator, such as those available from McDonnell Douglas Training Systems Company. In the embodiment of this description, the DIS connection is via a LAN (local area network)".

It is evident that Huffman's simulation platform does interact with a digital network. Granting or limiting access to a host computer is not a prerequisite for establishing a connection over a network. Furthermore, Applicant's claim language does not recite the limitations of granting or limiting access to a host computer.

Applicant claims a flight simulator system comprising executable code that is based upon executable code used in an actual aircraft component. Initially, an artisan would recognize that a simulation is implicitly represents of the operation or feature of a process or system as accurately as possible; and therefore a simulation is based upon an actual operation or feature of a real process or system. This is suggested in Huffman (col. 2, lines 27-31). Although Huffman does not explicitly disclose that the executable code is based upon executable code used in an actual aircraft component, namely a flight management system (FMS), Lin discloses a flight simulator comprising code derived from an actual aircraft component (OFP - operational flight program) in combination with an operational training program (OTP), in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 4; Fig. 1).

Applicant emphasizes that Lin discloses a real flight environment and not a simulator or simulation.

It is recognized that Lin discloses a flight simulator 30 comprising code derived from an actual aircraft component (OFP - operational flight program) 10, via a trainer interface unit 20 (which acts as an operational training program, OTP), in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 1-2; Fig. 1). The fact that the flight simulator obtains code from an actual aircraft component to create a simulated environment does not mean that the flight simulator 30 becomes an actual aircraft component. Instead, the actual code is obtained to create a simulated aircraft component 30 in a training environment.

It is further asserted that there is no motivation to combine Huffman and Lin. The standard of patentability is what the prior art, taken as a whole, suggests to an artisan at the time of the invention. In re Merck & Co., Inc., 800 F.2d 1091,1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The question is not only what the references expressly teach, but what they would collectively suggest to one of ordinary skill in the art. In re Simon, 461 F.2d 1387, 1390, 174 USPQ 114, 116 (CCPA 1972). In this case, Huffman discloses a DIS (distributed interactive simulation) interface 16c that permits multiple student consoles 11 to communicate with an external flight simulator via a LAN (local area network). Huffman further suggests that training modules provide sensory inputs that a trainee would receive in an actual Air Force Airborne Warning and Control System (AWACS), (see Col. 2, lines 27-31). Lin discloses a flight simulator 30 comprising code derived from an actual aircraft component (OFP - operational flight program) 10, via operational training program 20, in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 4; Fig. 1). Thus, in view of Lin it would have been obvious to an artisan to modify Huffman's networked flight simulation system, by providing executable coded based upon an actual aircraft component, in order to provide a training module that provides sensory inputs that a trainee would receive during operation of an actual aircraft system (See Col. 2, lines 27-31); and to preserve trainer-unique functions while emulating real avionics equipment during simulation (See Lin).

Applicant additionally asserts that Darago does not relate to aircraft or flight simulators in any way. It is noted that applicant's statement is incorrect, since Darago clearly discloses a need for protecting courseware, including flight simulators, that are distributed over a network (See Col. 1, line 32).

Regarding applicant's request for a citation for the motivation providing a DIS distributed interactive simulation network, applicant is directed to (Huffman, Col. 8, line 65 - Col.9, line 7)..